

Application No. 10/613,556
Amendment filed with RCE

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 9 has been amended to incorporate the subject matter of claim 10 and to clarify that the work implement is provided on the "front" side of the vehicle.

In addition, claims 22 and 23 have been added to recite additional structural features of the step section and through area according to the present invention, as shown for example in Fig. 2 and described in the specification at page 8, lines 11-27.

No new matter has been added, and it is respectfully requested that the amendments to claim 9 and the addition of claims 22 and 23 be approved and entered.

THE PRIOR ART REJECTION

Claims 9 and 10 were rejected under 35 USC 103 as being obvious in view of the combination of USP 5,975,833 ("Yamada et al"), USP 4,039,305 ("Livesay") and USP 4,878,924 ("Yano et al"). This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claim 9, a seat-side block is provided adjacent to a

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seat on the upper swing body of the service vehicle, and the seat-side block includes a hydraulic tank which contains hydraulic fluid for driving the work implement. In addition, a downsizing device, which comprises a bubble remover in the hydraulic tank to remove bubbles in the hydraulic fluid, is provided to reduce a size of the seat-side block. And still further, a step section is provided which defines a path from the seat to outside of the vehicle and is provided on a front side of the seat-side block. With this structure, it is possible to provide a clear path into and out from the service vehicle.

The Examiner has cited Yamada et al for the disclosure of an excavator, Livesay for the disclosure of a bubble remover, and Yano et al for the disclosure of a bubble remover in a tank.

In particular, the Examiner contends that Yamada et al shows in Fig. 4 thereof a step section which defines a path from the seat to outside and that is in front of the seat-side block.

It is respectfully pointed out, however, that as can be clearly seen in Figs. 1 and 4 of Yamada et al, there is negligible space in front of the structure that includes the fluid tank 44 (i.e. the structure that the Examiner asserts corresponds to the seat side block of the claimed present invention). And it is respectfully pointed out that in the structure of Yamada et al the upper cover 8 covers "most of an

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area over the turning frame 3 except for the cab 7" and that according to Yamada et al the cover 8 houses the hydraulic tank 44 (among other components).

Indeed, as shown in Fig. 1 of Yamada et al, the work implement 5 is mounted immediately in front of the cover 8, and as shown in Figs. 9-11 of Yamada et al only enough clearance for the work implement 5 is provided in front of the cover 8.

Thus, with the structure of Yamada et al, when the operator exits the vehicle there is no path to outside provided in front of the seat-side block (adjacent to the seat).

It is respectfully submitted, therefore, that Yamada et al clearly does not disclose, teach or suggest a step section which defines a path from the seat to outside of the vehicle and which is provided on a front side (work-implement side) of the seat-side block (which is adjacent to the seat), as according to the present invention as recited in amended independent claim 9.

It is respectfully submitted, moreover, that Yamada et al even more clearly does not disclose the structure of the present invention as recited in new claim 22, whereby the path defined by the step section extends from the seat through a section in front of the seat-side block to a lateral exit position on the upper swing body.

Still further, it is respectfully submitted that Yamada et al also clearly does not disclose, teach or suggest the feature

Application No. 10/613,556
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of the present invention as recited in new claim 23, whereby the upper swing body comprises a floor on which the seat and the seat-side block are mounted, and the step section is formed as a part of the floor to be flush with the floor.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claim 9, and new claims 22 and 23 depending therefrom, clearly patentably distinguishes over the combination of Yamada et al, Livesay and Yano et al under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,



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